

**Before the State of South Carolina  
Department of Insurance**

**In the Matter of:**

SCDOI Docket # 06-0768

**Robert W. Swirsky**

**CONSENT ORDER  
IMPOSING ADMINISTRATIVE PENALTY  
\$500.00**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Robert W. Swirsky, a non-resident producer licensed to transact business in the State of South Carolina.

Robert W. Swirsky acknowledges that he failed to pay state taxes in a timely manner, in the amount of \$26,056.06 to the State of Arizona and contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, this is a direct violation of South Carolina Code of Laws and can ultimately lead to the revocation or suspension of a producer license to transact the business of insurance in South Carolina.

Prior to the initiation of any administrative proceedings by the Department against Robert W. Swirsky, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke the producer's license, he would waive his right to a public hearing and pay an administrative fine in the total amount of \$500.00. The administrative fine will be paid immediately upon signing of this consent order.

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Robert W. Swirsky has violated S.C. Code § 38-43-130 (A)(C)(14). Although I can now revoke the producer's non-resident license, I hereby invoke the discretionary authority given to me and impose an administrative penalty against Robert W. Swirsky in the total amount of \$500.00. That fine must be paid as prescribed in the preceding paragraph. If that total fine amount is not timely paid, the producer's non-resident license will be revoke without any further disciplinary proceedings.

This fine has been reached by the parties as a result of negotiation and compromise, and in consideration of Robert W. Swirsky's assurance that he will comply with all statutes and

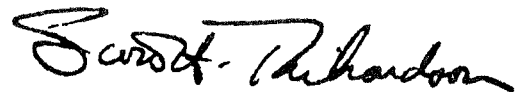
regulations of this Department. This penalty includes all expenses related to investigation of this matter as provided in § 38-13-70 of the South Carolina Code. The parties expressly agree and understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter. By the signature of Robert W. Swirsky upon this consent order, he acknowledges this administrative order as a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2004).

THEREFORE, it is ordered that Robert W. Swirsky shall, pay through the South Carolina Department of Insurance an administrative fine in the total amount of \$500.00.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately be notified of this consent order.

This consent order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "Scott H. Richardson". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Scott H. Richardson  
Director of Insurance

Dated this 28 day of February 2007  
Columbia, South Carolina

I CONSENT TO THE FOLLOWING ORDER AND WILL COMPLY AS AGREED:

Robert Swirsky  
Signature

Robert Swirsky  
Printed Name

Financial Representative  
Title

Robert W. Swirsky  
8446 E. Havasupai Drive  
Scottsdale, AZ 85255

Dated this \_\_\_\_\_ day of February 2007.